

### **REMARKS/ARGUMENTS**

This letter is responsive to the Office Action dated October 27, 2008. Accordingly, it is respectfully submitted that this response is timely filed.

In the Office Action, the Examiner rejected claims 1-2 and 4-6 under 35 U.S.C. 102(b) as being anticipated by GB 2,276,330. The Examiner stated that the device of the '330 patent has two cups 11. As shown in the '330 patent, cups 3 have an open top defined by a rim 3c. Water enters via inlet 11 and flows upwardly until it is at a level higher than rim 3c. At that point, the water may then flow downwardly into the cup and travel through the filter material positioned therein. As the water flows upwardly in a channel defined by the wall of drum 1 and the wall of cups 3, the water will not pass sequentially through the cups 3 but will enter one of the two cups in drum 1. By this response, the applicant has amended claim 1 to require that the containers are in sequential flow communication. Therefore the applicant respectfully submits that claim 1, and claims 2 and 4-6 that depend from claim 1 are not anticipated by the '330 patent.

The Examiner rejected claims 1, 2, 4 and 6-8 under 35 U.S.C. 103(a) as being unpatentable over Holland in view of Gershon and further in view of Kool. The Examiner stated that Holland teaches all the limitations of claim 1 other than the second container containing sand and that the individual elements are removable. The Examiner relied upon Gershon to teach that the second container could contain sand. The Examiner relied upon Kool to teach that the individual filtering elements could be removable.

As set out in the abstract of Holland, a method is taught that utilizes a solidifying organic polymer-based filtration media and activated carbon "placed in separate containers". Therefore, Holland specifically teaches placing different filter media in different containers. The Examiner notes that Holland teaches that sand may be placed in the first container. As noted in the passage relied upon by the Examiner, the sand is used in a coalescing layer. The coalescing layers allow the fluid stream passing through the container to consolidate after passing through each layer of polymer based filtration media (column 4, lines 11-13). Accordingly, the motivation of providing the sand is to allow contaminants remaining in the water stream to cohesively bond to each other to form larger contaminant particles prior to passing through the next stratified layer of polymer-based filtration media (column 4, lines 13-17).

The Examiner did not rely upon Holland to teach using sand in a second container. Based on the statements set out in Column 4 of Holland, it is understood that Holland does not teach a person skilled in the art to place sand in the separate container, which holds activated carbon. Instead, the Examiner relied upon Gershon to teach that sand might be in the second container of Holland. The Examiner referred to column 1, line 67-column 2, line 2. This section of the specification of Gershon discusses prior art patents. The section referred to was a passage stating the sand might be used with

absorbent clays. There is no discussion about using it in a second separately removable container. Further Gershon teaches that there is room for further improvement in the prior art (column 2, line 3). Accordingly, Gershon teaches an axial flow cartridge system. Cartridge 700 that is exemplified in Gershon contains a particulate bed 730 that contains both clay particles 732 and charcoal particles 736 (Column 11, lines 25-29). The structure of the cartridge is set out in claim 1.

Accordingly, while Gershon makes a reference to sand, it is not the focus of the patent. Further, Gershon does not teach using sand in a second downstream separate removable container. In fact, if a person skilled in the art were to read Gershon and consider using sand as a filtration material, the person skilled in the art would note that Holland already uses sand in the first container and would not have any motivation to add sand to the second stage.

The Examiner further relied upon Kool to teach the use of a removable container and seal ports when the container is removed. The Examiner stated that it would have been obvious to one of ordinary skill in the art to have modified the containers of Holland to be removable as taught by Kool. However, Kool uses UV radiation as a downstream treatment step. As exemplified in the drawings, a separate downstream sand filter is not used.

In order to argue that claim 1 is obvious, the Examiner has relied upon Gershon to argue that the second container of Holland could contain sand. Further, the Examiner has relied upon Kool to argue that each of the containers of Holland could be removable whereas Kool exemplifies a single removable cartridge.


If additional treatment is required, Kool teaches the use of UV filtration. If additional filtration were required, a person skilled in the art reading Kool and Gershon would use a single removable cartridge. It would be appreciated that the addition of additional seals that are openable could cause additional points at which the system could leak. Therefore, a person skilled in the art would tend to use fewer openable seals. Accordingly, the motivation of a person skilled in the art would be to use fewer removable containers. If removability was desired, as in Kool, then only a single removable container would be used.

In view of the foregoing, favourable consideration of the application is respectfully requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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